

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: January 25, 2006

Division: County Attorney

Bulk Item: Yes No xx

Department: County Attorney

Staff Contact Person: Bob Shillinger x3470

AGENDA ITEM WORDING: Discussion of settlement proposal in Walgreen vs. Monroe County and Florida Keys Citizens Coalition (Intervenor).

ITEM BACKGROUND: The County is involved in a certiorari appeal over the denial of Walgreen's major conditional use application which had been filed with the intent to replace the Scotty's building on Big Pine with a new Walgreens. At a mediation session held on Monday, January 23, 2006, the parties were able to reach the frame work for a proposed agreement. The County Attorney's office desires direction on whether to pursue this proposal further, with the understanding that the Board would need to approve a final agreement, or let the Court decide whether the Planning Commission's decision was in error. Note, the Florida Keys Citizens Coalition has been granted Intervenor status and has not embraced the proposal. The proposed terms are set forth on the following page.

PREVIOUS RELEVANT BOCC ACTION: Board directed legal staff to explore a mediated settlement on 9/28/05 and authorized Commissioner Neugent to represent the Board at mediation on 1/18/06.

CONTRACT/AGREEMENT CHANGES: n/a

STAFF RECOMMENDATIONS: Approval, continue negotiations.

TOTAL COST: n/a

BUDGETED: Yes No

COST TO COUNTY: n/a

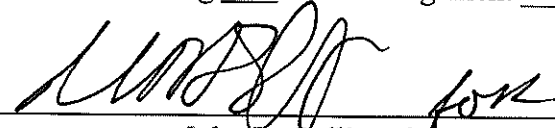
SOURCE OF FUNDS: n/a

REVENUE PRODUCING: Yes No xx

AMOUNT PER MONTH n/a **Year** n/a

APPROVED BY: County Atty xx OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:



John R. Collins, County Attorney

DOCUMENTATION: Included xx Not Required **TO FOLLOW**

DISPOSITION: _____

AGENDA ITEM # _____

Under the framework discussed to date, the County would concede error in *Walgreens v. Monroe County & Florida Keys Citizens Coalition* (Intervenors) thereby granting Walgreens' major conditional use application with the following conditions:

- 1) the new Walgreens building would have a footprint of @ 16,520 square feet, a reduction of about 9,400 square feet from the existing structure; the unused commercial square footage would either be used as a second floor for affordable/workforce housing or donated to the Land Authority and in lieu of the affordable/workforce housing on the second floor, Walgreen's would build a package plant capable of being expanded to provide central sewage to that portion of Big Pine.
- 2) the building would incorporate the design criteria set forth for the proposed Village Center as illustrated in the Big Pine Key/US 1 Corridor Area Enhancement Plan;
- 3) Walgreens would agree to withdraw its application to sell liquor onsite without prejudice to go through the process to obtain that approval in the future;
- 4) Walgreen's would limit its ground mounted sign to a size smaller than provided for in the sign ordinance and would address spillover lighting issues;
- 5) Walgreens would agree to operate less than 24 hours per day.
- 6) Walgreens would build an access roadway open to the public with a bike path around the property to relieve congestion on US 1
- 7) Walgreens would plant appropriate landscaping to serve as a buffer zone.

